

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES FILLIP MOATES,)
Petitioner,)
vs.) Civil Action No.: 03-678-BH-B
JIM COOKE, ET AL.)
Respondent.)

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that petitioner's action be dismissed as barred by the statute of limitations.

DONE this 28th day of July, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE